IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITIN NO.4736 OF 2005

Bapu G. Mankapure ....Petitioner
V/s.
Shashikant G. Apte & Ors. ....Respondents

Mr.Surel S. Shah for the Petitioner.
Mr.G.S. Godbole for Respondent No.1.

CORAM : S.J. VAZIFDAR, J.
DATED : 25TH JANUARY, 2007.

P.C. :

1. Rule. Rule returnable and heard forthwith.

2. The learned counsel have not insisted on reasons for the following order :-

i). The Writ Petition is made absolute in terms of prayer (c).

ii). The Appeal is restored to file. The Petitioner shall serve the unserved Respondents within twelve weeks from today. Hamdast permitted. Private service permitted.

iii). In the event of the Petitioner not serving the heirs of Respondent No.2 as aforesaid, this order shall automatically stand vacated and the Appeal shall proceed in absence of the heirs of Respondent No.2.

iv). The Petitioner shall pay the costs of this Petition to Respondent No.1 fixed at Rs.2000/- within four weeks from today.

3. The Writ Petition is accordingly disposed of.